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6 Attorneys for Defendant  
DAVID NICHOLS  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAVID NICHOLS

15 Defendant.  
16

No. Cr. 2:89-CR-258-09 WBS

**STIPULATED MOTION AND [lodged] ORDER  
TO REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO  
REDUCTION CASE

Judge: Honorable William B. Shubb

17 Defendant, DAVID NICHOLS, by and through his attorney, Assistant Federal Defender  
18 Lexi Negin, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel,  
19 Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

20 1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of  
21 imprisonment in the case of a defendant who has been sentenced to a term of imprisonment  
22 based on a sentencing range that has subsequently been lowered by the Sentencing Commission  
23 pursuant to 28 U.S.C. § 994(o);

24 2. On September 24, 1990, this Court sentenced Mr. Nichols to a term of 327  
25 months imprisonment, the high-end of the range of his sentencing guidelines;

26 3. His total offense level was 38, his criminal history category was II, and the  
27 resulting guideline range was 262-327 months;  
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1           4.       The sentencing range applicable to Mr. Nichols was subsequently lowered by the  
2       United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014,  
3       see 79 Fed. Reg. 44,973;

4           5.       Mr. Nichols' total offense level has been reduced from 38 to 36, and his amended  
5       guideline range is 210-262 months;

6           6.       Accordingly, the parties request the Court enter the order lodged herewith  
7       reducing Nichols' term of imprisonment to 262 months, the high-end of the amended guideline  
8       range.

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10       Respectfully submitted,

11       Dated: August 15, 2017

12       BENJAMIN B. WAGNER

HEATHER E. WILLIAMS

13       United States Attorney

Federal Defender

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15       /s/ Jason Hitt  
16       Jason Hitt  
17       Assistant U.S. Attorney

/s/ Lexi Negin  
Lexi Negin  
Assistant Federal Defender

18       Attorney for Plaintiff  
19       UNITED STATES OF AMERICA

Attorney for Defendant  
DAVID NICHOLS

1 **ORDER**

2 This matter came before the Court on the stipulated motion of the defendant for reduction  
3 of sentence pursuant to 18 U.S.C. § 3582(c)(2).

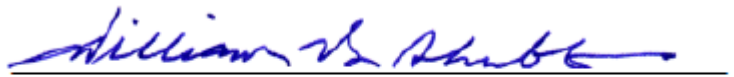
4 The parties agree, and the Court finds, that Mr. Nichols is entitled to the benefit  
5 Amendment 782, which reduces the total offense level from 38 to 36, resulting in an amended  
6 guideline range of 210-262 months.

7 IT IS HEREBY ORDERED that the term of imprisonment imposed on September 24,  
8 1990, is reduced to a term of 262 months.

9 IT IS FURTHER ORDERED that all other terms and provisions of the original judgment  
10 remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above  
11 reduction in sentence, and shall serve certified copies of the amended judgment on the United  
12 States Bureau of Prisons and the United States Probation Office.

13 Unless otherwise ordered, Mr. Nichols shall report to the United States Probation Office  
14 within seventy-two hours after his release.

15 Dated: August 15, 2017

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17 WILLIAM B. SHUBB  
18 UNITED STATES DISTRICT JUDGE  
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